



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, May 14, 2014

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:04 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Chalfant to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

20140131

Distinguished Service Award

Presentation of a Distinguished Service Award to the family of Leon King for his service to the Civil Service Board for over 20 years from December 1992-December 2013.

Presented

20140535 Special Achievement Award Presentation

Councilperson Kelly presents a Special Achievement Award to Detective Michael Freer for his dedication to duty, keen investigative skills and outstanding work while investigating the SunTrust bank robbery.

Presented

20140402 Marietta Power Wins RP3 Award

Tom Bell, Electrical Director for the Marietta Board of Lights and Water attended the March 2014 American Public Power Association (APPA) Engineering & Operations Conference in Oklahoma and accepted the highest level Diamond RP3 Award. The Marietta Board of Lights and Water is one of only 29 public power providers achieving at this prestigious diamond level.

Presented

20140524 Marietta Citizens' Police Academy

Graduates from the Marietta Citizens' Police Academy are:

Claxton, Gary
Denman, Vivian
Drew, James
Evans, Bill
Evans, Karen
Gilland, Janet
Lee, Gary
Lee, Kristen
Martin, Carol Ann
McNeel, Ellen
McNeel, Jim
Owens, Catherine
Sellors, JoAnne
Warner, Carol
Warner, Wynn
Warner, Ryan
Yunker, Pamela

Presented

PROCLAMATIONS:**20140444 Historic Preservation Month**

Mayor Tumlin presents a Proclamation to David Freedman, Chairman of the Marietta Historic Preservation Commission recognition May 2014 as Historic Preservation Month in the city of Marietta in conjunction with the celebration of National Historic Preservation Month.

Presented

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:**

Lars Finerup, who lives on Semiole Drive, expressed concern and presented a petition regarding the Wellstar Easement and Bridge.

Ann Harris spoke regarding her bid for Cobb Superior Court Judge in the upcoming election.

Mrs. Smith, citizen of Marietta, spoke regarding the proposed ordinance for boarded up and abandoned properties in the City.

Jay Davis, who lives on Dixie Avenue, spoke in favor of the Home Occupation Permit request for 358 East Dixie Avenue.

Candice Groves, who lives on Freyer Drive, expressed concern regarding the Wellstar Easement and Bridge.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Pro tem Johnny Walker briefly explained the consent agenda process.

Council member Goldstein left the dais during this portion of the consent agenda.

A motion was made by Council member Coleman, seconded by Council member Fleming, to suspend the rules of order to add an item to the consent agenda a motion to hold in abeyance agenda item 20140239 approved March 12, 2014 until the June 11, 2014, with the stipulation that the appellant and the Mayor shall have until May 23rd to reach an agreement resolving all matters. The motion carried by the following vote:

*Vote: 6 - 0 - 0 Approved
(See agenda item 20140544)*

This item should show Council member Goldstein abstaining.

Council member Goldstein returned to the dais.

City Attorney Doug Haynie noted the following changes to the consent agenda:

-under Judicial/Legislative: Agenda item 20140321 remains on the consent agenda with an amended ordinance.

-under Parks & Rec.: Agenda item 20140193 remains on the consent agenda with the dates and times to read as follows:

- 1) North Park Square from 8 PM until 10 PM Thursday October 9;
- 2) West Park Square from 10 PM Thursday, October 9 until 12 AM Friday, October 10;
- 3) North Park Square from 5 PM Friday, October 10 until 9 PM Sunday, October 12;
- 4) West Park Square from 6 PM Friday, October 10 until 9 PM Sunday, October 12;
- 5) Atlanta Street from Anderson St. north to and through East Park Square from 6 AM Saturday, October 10 until 9 PM Sunday, October 12;
- 6) South Park Square from 11 PM Friday, October 10 until 9 PM Sunday, October 12; and,
- 7) Church Street from the south side of Hansell Street to N. Park Square from 11 PM Friday, October 10 until 9 PM Sunday, October 12.

-under Other Business: Agenda item 20140521 was added to the consent agenda and amended to read, Motion to Table this matter until the June 11, 2014, with the stipulation that the appellant and the Mayor will have until May 23rd to reach an agreement resolving all matters." This item should show Council member Goldstein abstaining.

-under Other Business: Agenda item 20140522 remains on the consent agenda and amended to read, "Motion to authorize the execution of amendment 1 of the contract between the City of Marietta and The Welcome Center for fiscal year 2014.

Special appropriation funding from the existing "reserve" of the Car Rental Excise Tax for "broad" purposes to enhance our City as Host for the May to November activities of the 150 Commemoration of the Civil War. Commemorate Funding to be at discretion of the City Manager with advice from the actively participating square entities, including but not limited to our Museums (5), Theatres, Root and Brumby Houses, Welcome Center, and Friends of Brown Park. Funds shall be expended for, but not limited to facilitate activities, maintenance, upkeep of special venues, new activities, extra personnel, and expenses expected during this peak tourist time to comply with Tourism for this special period of this high profile/high volume period. Suggested funding for the above is \$30,000, with an added \$13,000 for sponsorship of the Chalk Art Festival to include the provision of various city services required to conduct the event.

-under Other Business: Agenda item 20140527 remains on consent and amended to read, "Motion authorizing acquisition of a portion of property at 24 Alexander Street from David E. Miller, Jr. for the purpose of constructing Alexander Street Improvements - Roswell to Washington Project in exchange for \$12,303.70."

A motion was made by Council member Walker, seconded by Council member Morris, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

with the following exceptions:

Council member Goldstein abstaining on agenda items 20140544 and 20140521.

20130542 Wellstar Bridge

Motion to approve Easement and Bridge Agreement between the City of Marietta and Wellstar Health System, Inc., Kennestone Hospital, Inc., d/b/a Wellstar Kennestone Regional Medical Center and Cobb County Kennestone Hospital Authority, subject to the terms and conditions set forth in the Easement and Bridge Agreement.

Council member Morris read a letter dated May 8, 2014 from WellSar Health System, Inc., regarding the Easement and Bridge Agreement. Council member Morris also made comments regarding this matter.

A motion was made by Council member Morris, seconded by Council member Goldstein, to approve Easement and Bridge Agreement between the City of Marietta and Wellstar Health System, Inc., Kennestone Hospital, Inc., d/b/a Wellstar Kennestone Regional Medical Center and Cobb County Kennestone Hospital Authority, subject to the terms and conditions set forth in the Easement and Bridge Agreement.

Discussion was held by Council. Residents from the adjacent and nearby neighborhoods were also allowed to speak regarding this matter. Those speaking and expressing concern about the project included:

*Kee Carlisle, who lives on Sessions Street
Jeff Traicoff, who lives on Freyer Drive*

Mayor Tumlin called for a vote on the motion.

The motion was made by Council member Chalfant, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

MINUTES:*** 20140508 Regular Meeting - April 9, 2014**

Review and approval of the April 9, 2014 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:**

* **20140504 Marietta Museum of History Appointments**

Approval of the Museum Board recommendation to reappoint Winfield Scott Chadwick and James M. Hudgins to the Board of Directors for a three (3) year term expiring May 14, 2017.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20140406 Ethics Committee Appointment**

Appointment of Lorette Mitchell to the Ethics Committee for a two (2-year) term expiring May 14, 2016.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

ORDINANCES:

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20140435 Denial of a claim**

Denial of a claim of Jeffrey Willis.

This Matter was Approved to Deny on the Consent Agenda.

Vote: 7 – 0 – 0 Approved to Deny

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: G. A. (Andy) Morris, Chairperson

* **20140238 FY 2015 Annual Plan**

Approval of a Resolution authorizing the acceptance of the Public Housing Authority (PHA) Fiscal Year 2015 Annual Plan.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20140399 Marietta Community Improvement District**

Approval of a Resolution creating the Marietta Community Improvement District.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20140423 CDBG Slum and Blight Demo Request**

Approval of a Resolution authorizing the city to use its CDBG Slum and Blight removal funds to abate the asbestos and demolish 52 West Dixie Avenue.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

2. Finance/Investment: Stuart Fleming, Chairperson

*** 20140434 Selection of Audit Firm**

Motion to authorize the execution of a contract between the City of Marietta and Crace Galvis McGrath, LLC, as the audit firm for financial auditors for fiscal year 2014 through fiscal year 2017.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20140425 Boarded up and Abandoned Properties Funding**

Motion to add a line item to the FY2015 budget for a restricted amount of \$200,000 for possible funding mechanisms for the recently approved ordinance dealing with boarded-up and abandoned properties.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

- * **20140321** **Revision to Section 8-8 of the Marietta City Code, Alcoholic beverages, regarding hard cider**

[Ord 7726](#)

Approval of an Ordinance amending Section 8-8 of the Marietta City Code, Alcoholic beverages, regarding hard cider, wine and beer tastings.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

- * **20140421** **Revised Detailed Plan for billboard**

Motion approving the Revised Detailed Plan for an existing billboard on property impacted by I-75 widening.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

- * **20140193** **Chalk Art Festival**

Motion approving a request from the Marietta/Cobb Museum of Art for various street closures October 9-12, 2014 for the purpose of conducting a Chalk Art Festival to include:

- 1) West Park Square from 8 PM Thursday, October 9 to be opened before 5 AM Friday, October 10;
- 2) North Park Square from 5 PM Friday, October 10 until 9 PM Sunday, October 12;
- 3) West Park Square from 6 PM Friday, October 10 until 9 PM Sunday, October 12;
- 4) Atlanta Street from Anderson St. north to and through East Park Square from 11 PM Friday, October 10 until 9 PM Sunday, October 12;
- 5) South Park Square from 11 PM Friday, October 10 until 9 PM Sunday, October 12; and,
- 6) Church Street from the south side of Hansell Street to N. Park Square from 11 PM Friday, October 10 until 9 PM Sunday, October 12.

Motion approving a request from the Marietta/Cobb Museum of Art for various street closures October 9-12, 2014 for the purpose of conducting a Chalk Art Festival to include:

- 1. North Park Square from 8 PM until 10 PM Thursday October 9;*
- 2. West Park Square from 10 PM Thursday, October 9 until 12 AM Friday, October 10;*
- 3. North Park Square from 5 PM Friday, October 10 until 9 PM Sunday, October 12;*
- 4. West Park Square from 6 PM Friday, October 10 until 9 PM Sunday, October 12;*
- 5. Atlanta Street from Anderson St. north to and through East Park Square from 6 AM Saturday, October 10 until 9 PM Sunday, October 12;*
- 6. South Park Square from 11 PM Friday, October 10 until 9 PM Sunday, October 12;*

7. Church Street from the south side of Hansell Street to N. Park Square from 11 PM; and
8. Friday, October 10 until 9 PM Sunday, October 12.

This Matter was Approved as Amended on the Consent Agenda.

Vote: 7 – 0 – 0

Approved as Amended

* **20140416**

Recreation Building at Custer Park

Motion to move forward with the \$2.6 million option for renovation and/or expansion of the recreation building located next to Custer Park.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

20140206

335 Allgood Road

Motion to authorize the acquisition of property located at 335 Allgood Road and owned by Peggy L. Price on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated.

City Attorney Doug Haynie opened the public hearing.

Mr. Harry Camp, attorney representing Mrs. Peggy Price and Mr. Ray Summerour, spoke on behalf of his clients requesting that this matter be tabled to allow for additional negotiations.

Discussion was held by Council. Both Mrs. Price and Mr. Summerour were asked if they would allow City staff to access their property to complete an elevation survey. Both parties agreed to allow access.

The public hearing was closed.

Motion to Table agenda item 20140206, 335 Allgood Road, until the July 9, 2014 City Council meeting. The purpose of this motion is to give both parties additional time to conduct further negotiations in order for the city to acquire the property through negotiations with the owner through their attorneys.

The motion was made by Council member Kelly, seconded by Council member Coleman, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 - 0 - 0

Tabled

20140207

329 Allgood Road

Motion to authorize the acquisition of property located at 329 Allgood Road and owned by Ray D. Summerour on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

City Attorney Doug Haynie opened the public hearing.

Mr. Harry Camp, attorney representing Mrs. Peggy Price and Mr. Ray Summerour, incorporated his prior comments and requested that this matter be tabled to allow for additional negotiations.

The public hearing was closed.

Motion to Table agenda item 20140207, 329 Allgood Road, until the June 11, 2014 City Council meeting. The purpose of this motion is to give both parties additional time to conduct further negotiations in order for the city to acquire the property through negotiations with the owner through their attorneys.

The motion was made by Council member Kelly, seconded by Council member Coleman, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 - 0 - 0 Tabled

* 20140308

Elizabeth Porter Recreation Center

Motion to move forward with the \$3.5 million option for the redevelopment of the Elizabeth Porter Recreation Center area.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

5. Personnel/Insurance: Johnny Walker, Chairperson

* 20140420

Minor Revision to Code Section[Ord 7730](#)

Approval of an Ordinance amending City Code Section 4-12-6 Section 1, "Insurance and Retirement."

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

6. Public Safety Committee: Anthony Coleman, Chairperson**7. Public Works Committee: Grif Chalfant, Chairperson***** 20140411 No Parking Signs along Hawkins Street and Delk Street**

Motion authorizing “No Parking” signs along the south side of Hawkins Street between Atlanta Street and Delk Street; the north side of Hawkins Street between Atlanta Street and Kings Court and the east side of Delk Street between Hawkins Street and East Dixie Avenue.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20140419 Local Administered Project Certification**

Motion to approve the Re-Certification Acceptance Qualification Agreement with the Georgia Department of Transportation for federally funded projects.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

OTHER BUSINESS:**20140354 V2014-07 Suncatcher of Atlanta 612 Cobb Parkway North**

V2014-07 [VARIANCE] SUNCATCHER OF ATLANTA request variances for property located in Land Lot 10700, District 16, Parcel 1570, 2nd Section, Marietta, Cobb County, Georgia and being known as 612 Cobb Parkway North, currently zoned CRC (Community Retail Commercial). Variance to allow an accessory structure to be located in the front of the principal use; Variance to reduce the required number of parking spaces to 7; Variance to locate a permanent structure closer to a general advertising sign than a distance that is equal to or greater than the height of the sign. Ward 5B.

Development Services Director Brian Binzer presented information regarding the variance request for Suncatcher of Atlanta located at 612 Cobb Parkway North.

Jerry Killgore, President of Suncatcher of Atlanta, requested several variances to allow the existing accessory structure to remain in the front main building, close to the general advertising sign. This would allow him to demonstrate his product to perspective buyers. Mr. Killgore also requested to reduce the required number of parking spaces to 7, which would be enough accommodate his staff and customers.

Discussion was held.

*Motion to approve the following variances for property located at 612 Cobb Parkway North, currently zoned CRC (Community Retail Commercial):
Variance to allow the existing accessory structure to be located in the front of the principal use;
Variance to reduce the required number of parking spaces to 7, which would be restricted to this type of business;
Variance to locate a permanent structure closer to a general advertising sign than a distance that is equal to or greater than the height of the sign.*

The motion was made by Council member Morris, seconded by Council member Chalfant, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved as Amended

20140355

V2014-08 GPS Hospitality D/B/A Burger King

V2014 08 [VARIANCE] GPS HOSPITALITY D/B/A BURGER KING request variances for property located in Land Lot 03610, District 17, Parcel 0320, 2nd Section, Marietta, Cobb County, Georgia and being known as 650 S. Marietta Parkway, currently zoned CRC (Community Retail Commercial). (1) Variance from Section 712.08, Tree Protection and Landscaping to maintain the site as currently landscaped; (2) Variance from Section 712.09, Commercial Corridor Design Overlay District; (3) Variance from Section 714.06 (C.6), Nonconforming Signs to keep the current sign. These variances are approved for the current developed property only as shown on the attached site plan by Gaskins Engineering & Surveying for Burger King Renovation, dated January 28, 2014, and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure. Ward 1A.

Development Services Director Brian Binzer presented information regarding the variance request for the Burger King located at 650 S Marietta Parkway.

Brian Arnold, owner of this Burger King franchise, requested several variance needed in order to remove the playground area in front of his business.

Discussion was held regarding the requested variances and concern was expressed about the plans to not plant trees across the front of the property and not switch the existing pylon sign to a monument sign.

A motion was made by Council member Fleming, seconded by Council member Goldstien, to Deny the variance request.

Further discussion was held. There was general agreement that this matter be tabled to allow the applicant time to consider these options.

A substitute motion was made to Table this matter until a Special Called Meeting to be held May 28, 2014.

The motion was made by Council member Fleming, seconded by Council member Goldstein, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 – 0 – 0 Tabled

20140433

HO2014-01 Katherine B. Carroll 358 East Dixie Avenue

Motion to approve a Special Land Use Permit for a Type B Home Occupation for a learning center and tutoring service for the property at 358 East Dixie Avenue; also to include a waiver from the regulation that Type B Home Occupations may not be established in districts zoned for multi-family residential purposes. Ward 1A.

Development Services Director Brian Binzer presented information regarding the Home Occupation Permit request for property located at 358 East Dixie Avenue.

Katherine Carroll requested the Home Occupation Permit to allow for a learning center and tutoring service in a 10 by 12 building located on the property. Students would be dropped off at the home and picked-up at a later time.

Discussion was held.

A motion was made by Council member Fleming, seconded by Council member Kelly, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0**Approved**

*

20140544

Motion regarding agenda item 20140239, 11 Whitlock Avenue

Motion to hold in abeyance agenda item 20140239 approved March 12, 2014 until the June 11, 2014, with the stipulation that the appellant and the Mayor shall have until May 23rd to reach an agreement resolving all matters.

Council member Goldstein disclosed that he owns property at 9 & 11 Whitlock Avenue. Mr. Goldstein will abstain from any action as a Councilman on this item.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 1**Approved**

Abstaining: Philip M. Goldstein

*

20140521

9 & 11 Whitlock Avenue

Consideration of the appeal of Philip M. Goldstein regarding his application with the Historic Board of Review for Certificate of Approval for Exterior Changes for the property located at 9 & 11 Whitlock Avenue.

Council member Goldstein disclosed that he owns property at 9 & 11 Whitlock Avenue. Mr. Goldstein will abstain from any action as a Councilman on this item.

Motion to Table this matter until the June 11, 2014, with the stipulation that the appellant and the Mayor will have until May 23rd to reach an agreement resolving all matters.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 1 **Approved**
Abstaining: Philip M. Goldstein

* **20140522** **150th Commemoration of the Civil War and Chalk Art Festival**

Motion to authorize the execution of amendment 1 of the contract between the City of Marietta and The Welcome Center for fiscal year 2014.

Motion to authorize the execution of amendment 1 of the contract between the City of Marietta and The Welcome Center for fiscal year 2014.

Special appropriation funding from the existing “reserve” of the Car Rental Excise Tax for “broad” purposes to enhance our City as Host for the May to November activities of the 150 Commemoration of the Civil War. Commemorate Funding to be at discretion of the City Manager with advice from the actively participating square entities, including but not limited to our Museums (5), Theatres, Root and Brumby Houses, Welcome Center, and Friends of Brown Park. Funds shall be expended for, but not limited to facilitate activities, maintenance, upkeep of special venues, new activities, extra personnel, and expenses expected during this peak tourist time to comply with Tourism for this special period of this high profile/high volume period. Suggested funding for the above is \$30,000.00, with an added \$13,000 for sponsorship of the Chalk Art Festival to include the provision of various city services required to conduct the event.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20140525** **MEAG Power 2014 Annual Election**

Motion to appoint Council member Andy Morris as the voting delegate and City Manager and Acting BLW General Manager Bill Bruton as the alternate voting delegate for the MEAG Power 2014 Annual Election.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 **Approved**

* **20140526** **64 Black Street**

Motion to authorize the acquisition of property owned by Mainland Holdings 3, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.**Vote: 7 – 0 – 0****Approved***** 20140527****24 Alexander Street**

Motion to authorize the acquisition of property owned by David E. Miller, Jr. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Motion authorizing acquisition of a portion of property at 24 Alexander Street from David E. Miller, Jr. for the purpose of constructing Alexander Street Improvements - Roswell to Washington Project in exchange for \$12,303.70.

This Matter was Approved as Amended on the Consent Agenda.**Vote: 7 – 0 – 0****Approved as Amended***** 20140528****1205 Powder Springs Street**

Motion authorizing acquisition of a portion of property and easements at 1205 Powder Springs Street from Paul Schmidt D/B/A Rose Tree Village for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$11,446.45.

This Matter was Approved on the Consent Agenda.**Vote: 7 – 0 – 0****Approved***** 20140529****1225 Powder Springs Street**

Motion authorizing acquisition of a portion of property and easements at 1225 Powder Springs Street from Emory-Adventist, Inc. for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$8,098.00 and the stipulation that access to the premises will not be blocked or unreasonably disrupted during construction.

This Matter was Approved on the Consent Agenda.**Vote: 7 – 0 – 0****Approved***** 20140530****1309 Powder Springs Street**

Motion authorizing acquisition of a portion of property and easements at 1309 Powder Springs Street from Cathy Ann Whitaker for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$1,927.00 and the stipulation that the driveway concrete be poured after 5 p.m. on Friday or anytime during the weekend due to the large amount of truck and trailer traffic during normal business hours.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

*** 20140531 730 Franklin Road**

Motion authorizing acquisition of a portion of property and easements at 730 Franklin Road from RRA/OHI Cinnamon Ridge, LLC for the purpose of constructing the Franklin Road Improvements Project - From Twin Brooks to Las Colinas Apartments in exchange for \$48,750.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

*** 20140532 757 Franklin Road**

Motion authorizing acquisition of the property at 757 Franklin Road from 757 Partners for the purpose of constructing the Franklin Road Improvements - From Twin Brooks to Las Colinas Apartments in exchange for \$76,000.00 and the stipulations:

- There shall be no interruption of access to the property.
- There shall be no increase in or change off/on of storm water on or across the balance of Grantor's property.
- At no time during construction shall more than half of the parking spaces on Grantor's Property be rendered unusable or materially impaired.
- No work shall be performed on Grantor's Property between February 15 and April 15 of any calendar year during which the construction easements remain in effect.
- The boundaries of the construction easements shall be clearly marked during construction and no equipment or materials shall be parked on or stored on the areas which are outside of the construction easement areas.
- The planned improvements to the right of way and easement areas shall be completed in two separate phases, as follows:
 - o All work on retaining wall shall be completed prior to beginning work on the entrance and adjacent parking areas.
 - o Physical barriers shall be placed at the back of the construction easements during construction of the retaining wall in order to permit safe parking on the adjacent areas during construction.
 - o There shall be no interference with the parking spaces in the area which is crosshatched (as shown on Exhibit C of the Agreement to Purchase Real Estate) while work is being performed on the retaining wall.
 - o Construction on the curb cut and adjacent parking areas shall not commence until the work on the retaining wall has been completed.
 - o There shall be no interference with the parking spaces which are cross-hatched (as shown on Exhibit D of the Agreement to Purchase Real Estate) while work is being performed on the curb cut and adjacent parking areas.
 - o The work on the curb cut and adjacent parking area shall be done in such a manner as to always leave at least one lane of traffic open for ingress/egress to the property.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20140533 Parcel 1, Wallace Road**

Motion authorizing acquisition of a portion of property and easements at Parcel 1, Wallace Road from Bentley Farm Properties, LLLP and Summerour Properties, LLLP for the purpose of constructing the Wallace Road at North Marietta Parkway Project in exchange for \$4,546.00.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20140534 Parcel 3, Wallace Road**

Motion authorizing acquisition of a donated temporary driveway easement at Parcel 3, Wallace Road from Bentley Farm Properties, LLLP, Summerour Farm, LLLP and James William Bentley, Jr. for the purpose of constructing the Wallace Road at North Marietta Parkway Project.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

20140509 BLW Actions of the May 12, 2014

Review and approval of the May 12, 2014 actions and minutes of the Marietta Board of Lights and Water.

Motion to approve the May 12, 2014 actions and minutes of the Marietta Board of Lights and Water, with the exception of BLW agenda item 20140459 Adoption of FY2015 Marietta Board of Lights and Water Budget, and agenda item 20140520 MEAG Power 2014 Annual Election/Voting Delegate Selection.

Further, agenda item 20140459 Adoption of FY2015 Marietta Board of Lights and Water Budget would be sent back to the BLW Board for consideration of the following proposal:

Motion to reduce the transfer to the City's General Fund by \$500,000, from \$11.5 million to \$11 million. The transfer would be reduced \$500,000 each subsequent year, for three (3) years. This action would be reviewed on an annual basis and modified as necessary.

The motion was made by Council member Chalfant, seconded by Council member Fleming, that this matter be Approved. The motion carried by the following vote:

Vote: 7 0 0

Approved as Stipulated

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 10:00 p.m.

Date Approved: June 11, 2014

R. Steve Tumlin, Mayor Tumlin

Attest: Stephanie Guy, City Clerk